

106TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. DASCHLE (for himself, Mr. HATCH, Mr. BROWNBACK, Mr. HARKIN, Mr. JOHNSON, Mr. DORGAN, Mr. BAUCUS, Mr. CONRAD, Mr. BINGAMAN, Mr. VOINOVICH, and Mr. BURNS) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To reform the State inspection of meat and poultry in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “New Markets for State-Inspected Meat Act of 1999”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Review of State meat and poultry inspection programs.

TITLE I—MEAT INSPECTION

2

Sec. 101. Federal and State cooperation on meat inspection for intrastate distribution.

Sec. 102. State meat inspection programs.

TITLE II—POULTRY INSPECTION

Sec. 201. Federal and State cooperation on poultry inspection for intrastate distribution.

Sec. 202. State poultry inspection programs.

TITLE III—GENERAL PROVISIONS

Sec. 301. Regulations.

Sec. 302. Termination of authority to establish interstate inspection programs.

1 **SEC. 2. REVIEW OF STATE MEAT AND POULTRY INSPEC-**
2 **TION PROGRAMS.**

3 (a) IN GENERAL.—Not later than September 30,
4 2001, the Secretary of Agriculture shall conduct a com-
5 prehensive review of each State meat and poultry inspec-
6 tion program, which shall include—

7 (1) a determination of the effectiveness of the
8 State program; and

9 (2) identification of changes that are necessary
10 to enable future transition to a State program of en-
11 forcing Federal inspection requirements as described
12 in the amendments made by sections 102 and 202.

13 (b) COMMENT FROM INTERESTED PARTIES.—In de-
14 signing the review described in subsection (a), the Sec-
15 retary of Agriculture shall, to the maximum extent prac-
16 ticable, obtain comment from interested parties.

17 (c) FUNDING.—

1 (1) IN GENERAL.—There are authorized to be
2 appropriated such sums as are necessary to carry
3 out this section.

4 (2) AVAILABLE FUNDS.—Notwithstanding any
5 other provision of law, only funds specifically appro-
6 priated under paragraph (1) may be used to carry
7 out this section.

8 **TITLE I—MEAT INSPECTION**

9 **SEC. 101. FEDERAL AND STATE COOPERATION ON MEAT IN-** 10 **SPECTION FOR INTRASTATE DISTRIBUTION.**

11 (a) REDESIGNATION.—

12 (1) IN GENERAL.—The Federal Meat Inspec-
13 tion Act is amended—

14 (A) by redesignating title III (21 U.S.C.
15 661 et seq.) as title V and moving that title to
16 the end of that Act;

17 (B) by redesignating section 301 (21
18 U.S.C. 661) as section 501;

19 (C) in title V (as redesignated by subpara-
20 graph (A)), by striking the title heading and in-
21 serting the following:

1 **“TITLE V—FEDERAL AND STATE**
2 **COOPERATION ON MEAT IN-**
3 **SPECTION FOR INTRASTATE**
4 **DISTRIBUTION”;**

5 and

6 (D) in the fourth sentence of section
7 501(c)(1) (as redesignated by subparagraph
8 (B)), by striking “section 301 of the Act” and
9 inserting “subsection (a)(4)”.

10 (2) CONFORMING AMENDMENTS.—

11 (A) Section 7(c) of the Federal Meat In-
12 spection Act (21 U.S.C. 607(c)) is amended in
13 the second sentence by striking “section 301 of
14 this Act” and inserting “section 501(a)(4)”.

15 (B) Section 24 of the Federal Meat In-
16 spection Act (21 U.S.C. 624) is amended in the
17 last sentence by striking “section 301 of this
18 Act” and inserting “section 501(a)(4)”.

19 (C) Section 205 of the Federal Meat In-
20 spection Act (21 U.S.C. 645) is amended by
21 striking “section 301 of this Act” and inserting
22 “section 501(a)(4)”.

23 (3) EFFECTIVE DATE.—This subsection takes
24 effect on October 1, 2001.

25 (b) REPEAL.—

1 (1) IN GENERAL.—Title V of the Federal Meat
2 Inspection Act (as amended by subsection (a)(1)) is
3 repealed.

4 (2) CONFORMING AMENDMENTS.—

5 (A) Section 7(c) of the Federal Meat In-
6 spection Act (21 U.S.C. 607(c)) (as amended
7 by subsection (a)(2)(A)) is amended in the sec-
8 ond sentence by striking “section 501(a)(4)”
9 and inserting “section 413”.

10 (B) Section 24 of the Federal Meat In-
11 spection Act (21 U.S.C. 624) (as amended by
12 subsection (a)(2)(B)) is amended in the last
13 sentence by striking “section 501(a)(4)” and
14 inserting “section 413”.

15 (C) Section 205 of the Federal Meat In-
16 spection Act (21 U.S.C. 645) (as amended by
17 subsection (a)(2)(C)) is amended by striking
18 “section 501(a)(4)” and inserting “section
19 413”.

20 (3) EFFECTIVE DATE.—Except as provided in
21 section 302, this subsection takes effect on October
22 1, 2002.

1 **SEC. 102. STATE MEAT INSPECTION PROGRAMS.**

2 (a) IN GENERAL.—The Federal Meat Inspection Act
3 (as amended by section 101(a)(1)(A)) is amended by in-
4 serting after title II (21 U.S.C. 641 et seq.) the following:

5 **“TITLE III—STATE MEAT**
6 **INSPECTION PROGRAMS**

7 **“SEC. 301. POLICY AND FINDINGS.**

8 “(a) POLICY.—It is the policy of Congress to protect
9 the public from meat and meat food products that are
10 adulterated or misbranded and to assist in efforts by State
11 and other government agencies to accomplish that policy.

12 “(b) FINDINGS.—Congress finds that—

13 “(1) the goal of a safe and wholesome supply
14 of meat and meat food products throughout the
15 United States would be better served if a consistent
16 set of requirements, established by the Federal Gov-
17 ernment, were applied to all meat and meat food
18 products, whether produced under State inspection
19 or Federal inspection;

20 “(2) under such a system, State and Federal
21 meat inspection programs would function together to
22 create a seamless inspection system to ensure food
23 safety and inspire consumer confidence in the food
24 supply in interstate commerce; and

1 “(3) such a system would ensure the viability of
2 State meat inspection programs, which should help
3 to foster the viability of small establishments.

4 **“SEC. 302. APPROVAL OF STATE MEAT INSPECTION PRO-**
5 **GRAMS.**

6 “(a) IN GENERAL.—Notwithstanding any other pro-
7 vision of this Act, the Secretary may approve a State meat
8 inspection program and allow the shipment in commerce
9 of carcasses, parts of carcasses, meat, and meat food prod-
10 ucts inspected under the State meat inspection program
11 in accordance with this title.

12 “(b) ELIGIBILITY.—

13 “(1) IN GENERAL.—To receive or maintain ap-
14 proval from the Secretary for a State meat inspec-
15 tion program in accordance with subsection (a), a
16 State shall—

17 “(A) implement a State meat inspection
18 program that enforces the mandatory ante-
19 mortem and postmortem inspection, reinspec-
20 tion, sanitation, and related Federal require-
21 ments of titles I, II, and IV (including the regu-
22 lations issued under those titles); and

23 “(B) enter into a cooperative agreement
24 with the Secretary in accordance with sub-
25 section (c).

1 “(2) ADDITIONAL REQUIREMENTS.—

2 “(A) IN GENERAL.—In addition to the re-
3 quirements specified in paragraph (1), a State
4 meat inspection program reviewed in accord-
5 ance with section 2 of the Federal Meat and
6 Poultry State Inspection Requirements Act of
7 1999 shall implement, not later than October 1,
8 2002, all recommendations from the review, in
9 a manner approved by the Secretary.

10 “(B) REVIEW OF NEW STATE MEAT IN-
11 SPECTION PROGRAMS.—

12 “(i) DEFINITION OF NEW STATE
13 MEAT INSPECTION PROGRAM.—In this sub-
14 paragraph, the term ‘new State meat in-
15 spection program’ means a State meat in-
16 spection program that is not approved in
17 accordance with subsection (a) between Oc-
18 tober 1, 2001, and September 30, 2002.

19 “(ii) REVIEW REQUIREMENT.—Not
20 later than 1 year after the date on which
21 the Secretary approves a new State meat
22 inspection program, the Secretary shall
23 conduct a comprehensive review of the new
24 State meat inspection program, which shall
25 include—

1 “(I) a determination of the effec-
2 tiveness of the new State meat inspec-
3 tion program; and

4 “(II) identification of changes
5 necessary to ensure enforcement of
6 Federal inspection requirements.

7 “(iii) IMPLEMENTATION REQUIRE-
8 MENTS.—In addition to the requirements
9 specified in paragraph (1), to continue to
10 be an approved State meat inspection pro-
11 gram, a new State meat inspection pro-
12 gram shall implement all recommendations
13 from the review conducted in accordance
14 with this subparagraph, in a manner ap-
15 proved by the Secretary.

16 “(c) COOPERATIVE AGREEMENT.—Notwithstanding
17 chapter 63 of title 31, United States Code, the Secretary
18 may enter into a cooperative agreement with a State that
19 establishes the terms governing the relationship between
20 the Secretary and the State meat inspection program and
21 provides for the following:

22 “(1) PROVISIONS CONSISTENT WITH THIS
23 ACT.—The State will adopt (including adoption by
24 reference) provisions identical to titles I, II, and IV
25 (including the regulations issued under those titles).

1 “(2) MARKING OF PRODUCT.—

2 “(A) OFFICIAL MARKS.—State-inspected
3 and passed meat and meat food products will be
4 marked under the supervision of a State inspec-
5 tor with the official mark and be deemed to
6 have been inspected by the Secretary for the
7 purposes of this Act and to have passed the in-
8 spection.

9 “(B) ADDITIONAL MARKS.—In addition to
10 the official mark, State-inspected and passed
11 meat and meat food products may be marked
12 with the mark of State inspection, in accord-
13 ance with requirements issued by the Secretary.

14 “(3) LABELING REQUIREMENTS.—The State
15 will comply with all labeling requirements issued by
16 the Secretary governing meat and meat food prod-
17 ucts inspected under the State meat inspection pro-
18 gram.

19 “(4) AUTHORITY OF THE SECRETARY.—The
20 Secretary shall have authority—

21 “(A) to detain and seize livestock, car-
22 casses, parts of carcasses, meat, and meat food
23 products under the State meat inspection pro-
24 gram;

1 “(B) to obtain access to facilities, records,
2 livestock, carcasses, parts of carcasses, meat,
3 and meat food products of any person, firm, or
4 corporation that slaughters, processes, handles,
5 stores, transports, or sells meat or meat food
6 products inspected under the State meat inspec-
7 tion program to determine compliance with this
8 Act (including the regulations issued under this
9 Act); and

10 “(C) to direct the State to conduct any ac-
11 tivity authorized to be conducted by the Sec-
12 retary under this Act (including the regulations
13 issued under this Act).

14 “(5) OTHER TERMS.—The cooperative agree-
15 ment shall include such other terms as the Secretary
16 determines to be necessary to ensure that the ac-
17 tions of the State and the State meat inspection pro-
18 gram are consistent with this Act (including the reg-
19 ulations issued under this Act).

20 “(d) ADDITIONAL REQUIREMENTS.—

21 “(1) IN GENERAL.—A State may impose addi-
22 tional requirements on establishments under the
23 State meat inspection program, as approved by the
24 Secretary.

1 “(2) RESTRICTION ON ESTABLISHMENT SIZE.—

2 The Secretary shall authorize a State to establish
3 the maximum size of establishments that the State
4 will accept into the State meat inspection program.

5 “(e) REIMBURSEMENT OF STATE COSTS.—The Sec-
6 retary may reimburse the State for not more than 60 per-
7 cent of the State’s costs of meeting the Federal require-
8 ments for the State meat inspection program.

9 “(f) SAMPLING.—

10 “(1) SALMONELLA SAMPLING AND TESTING.—

11 To the extent that the Secretary requires establish-
12 ments to meet microbiological performance stand-
13 ards for Salmonella, the Secretary shall sample and
14 test for Salmonella in establishments subject to in-
15 spection under the State meat inspection program.

16 “(2) OTHER SAMPLING AND TESTING.—In ad-
17 dition to the activities described in paragraph (1),
18 the Secretary may perform other sampling and test-
19 ing of meat and meat food products in establish-
20 ments described in that paragraph.

21 “(g) NONCOMPLIANCE.—If the Secretary determines
22 that a State meat inspection program does not comply
23 with this title or the cooperative agreement under sub-
24 section (c), the Secretary shall take such action as the Sec-
25 retary determines to be necessary to ensure that the car-

1 casses, parts of carcasses, meat, and meat food products
2 in the State are inspected in a manner that effectuates
3 this Act (including the regulations issued under this Act).

4 **“SEC. 303. AUTHORITY TO TAKE OVER STATE MEAT INSPEC-**
5 **TION PROGRAMS.**

6 “(a) NOTIFICATION.—If the Secretary has reason to
7 believe that a State is not in compliance with this Act (in-
8 cluding the regulations issued under this Act) or the coop-
9 erative agreement under section 302(c) and is considering
10 the revocation or temporary suspension of the approval of
11 the State meat inspection program, the Secretary shall
12 promptly notify and consult with the Governor of the
13 State.

14 “(b) SUSPENSION AND REVOCATION.—

15 “(1) IN GENERAL.—The Secretary may revoke
16 or temporarily suspend the approval of a State meat
17 inspection program and take over a State meat in-
18 spection program if the Secretary determines that
19 the State meat inspection program is not in compli-
20 ance with this Act (including the regulations issued
21 under this Act) or the cooperative agreement.

22 “(2) PROCEDURES FOR REINSTATEMENT.—A
23 State meat inspection program that has been the
24 subject of a revocation may be reinstated as an ap-
25 proved State meat inspection program under this

1 Act only in accordance with the procedures under
2 section 302(b)(2)(B).

3 “(c) PUBLICATION.—If the Secretary revokes or tem-
4 porarily suspends the approval of a State meat inspection
5 program in accordance with subsection (b), the Secretary
6 shall publish the determination under that subsection in
7 the Federal Register.

8 “(d) INSPECTION OF ESTABLISHMENTS.—Upon the
9 expiration of 30 days after the date of publication of a
10 determination under subsection (c), an establishment sub-
11 ject to a State meat inspection program with respect to
12 which the Secretary makes a determination under sub-
13 section (b) shall be inspected by the Secretary.

14 **“SEC. 304. EXPEDITED AUTHORITY TO TAKE OVER INSPEC-**
15 **TION OF STATE-INSPECTED ESTABLISH-**
16 **MENTS.**

17 “Notwithstanding any other provision of this title, if
18 the Secretary determines that an establishment operating
19 under a State meat inspection program is not operating
20 in accordance with this Act (including the regulations is-
21 sued under this Act) or the cooperative agreement under
22 section 302(c), and the State, after notification by the
23 Secretary to the Governor, has not taken appropriate ac-
24 tion within a reasonable time as determined by the Sec-
25 retary, the Secretary may immediately determine that the

1 establishment is an establishment that shall be inspected
2 by the Secretary, until such time as the Secretary deter-
3 mines that the State will meet the requirements of this
4 Act (including the regulations) and the cooperative agree-
5 ment with respect to the establishment.

6 **“SEC. 305. ANNUAL REVIEW.**

7 “(a) IN GENERAL.—The Secretary shall develop and
8 implement a process to review annually each State meat
9 inspection program approved under this title and to certify
10 the State meat inspection programs that comply with the
11 cooperative agreement entered into with the State under
12 section 302(c).

13 “(b) COMMENT FROM INTERESTED PARTIES.—In
14 designing the review process described in subsection (a),
15 the Secretary shall solicit comment from interested par-
16 ties.

17 **“SEC. 306. FEDERAL INSPECTION OPTION.**

18 “(a) IN GENERAL.—An establishment that operates
19 in a State with an approved State meat inspection pro-
20 gram may apply for inspection under the State meat in-
21 spection program or for Federal inspection.

22 “(b) LIMITATION.—An establishment shall not make
23 an application under subsection (a) more than once every
24 4 years.”.

1 (b) RESTAURANTS AND RETAIL STORES.—Title IV
2 of the Federal Meat Inspection Act is amended—

3 (1) by redesignating section 411 (21 U.S.C.
4 681) as section 414; and

5 (2) by inserting after section 410 (21 U.S.C.
6 680) the following:

7 **“SEC. 411. RESTAURANTS AND RETAIL STORES.**

8 “(a) LIMITATION ON APPLICABILITY OF INSPECTION
9 REQUIREMENTS.—The provisions of this Act requiring in-
10 spection of the slaughter of animals and the preparation
11 of carcasses, parts of carcasses, meat, and meat food prod-
12 ucts shall not apply to operations of types traditionally
13 and usually conducted at retail stores and restaurants, if
14 the operations are conducted at a retail store, restaurant,
15 or similar retail establishment for sale of such prepared
16 articles in normal retail quantities or for service of the
17 articles to consumers at such an establishment.

18 “(b) CENTRAL KITCHEN FACILITIES.—

19 “(1) IN GENERAL.—For the purposes of this
20 section, operations conducted at a central kitchen fa-
21 cility of a restaurant shall be considered to be con-
22 ducted at a restaurant if the central kitchen of the
23 restaurant prepares meat or meat food products that
24 are ready to eat when they leave the facility and are
25 served in meals or as entrees only to customers at

1 restaurants owned or operated by the same person,
2 firm, or corporation that owns or operates the facil-
3 ity.

4 “(2) EXCEPTION.—A facility described in para-
5 graph (1) shall be subject to section 202 and may
6 be subject to the inspection requirements of title I
7 for as long as the Secretary determines to be nec-
8 essary, if the Secretary determines that the sanitary
9 conditions or practices of the facility or the process-
10 ing procedures or methods at the facility are such
11 that any of the meat or meat food products of the
12 facility are rendered adulterated.

13 **“SEC. 412. ACCEPTANCE OF INTERSTATE SHIPMENTS OF**
14 **MEAT AND MEAT FOOD PRODUCTS.**

15 “Notwithstanding any provision of State law, a State
16 or local government shall not prohibit or restrict the move-
17 ment or sale of meat or meat food products that have been
18 inspected and passed in accordance with this Act for inter-
19 state commerce.

20 **“SEC. 413. ADVISORY COMMITTEES FOR FEDERAL AND**
21 **STATE PROGRAMS.**

22 “The Secretary may appoint advisory committees
23 consisting of such representatives of appropriate State
24 agencies as the Secretary and the State agencies may des-
25 ignate to consult with the Secretary concerning State and

1 Federal programs with respect to meat inspection and
2 other matters within the scope of this Act.”.

3 (c) EFFECTIVE DATE.—This section takes effect on
4 October 1, 2001.

5 **TITLE II—POULTRY INSPECTION**

6 **SEC. 201. FEDERAL AND STATE COOPERATION ON POUL-** 7 **TRY INSPECTION FOR INTRASTATE DIS-** 8 **TRIBUTION.**

9 (a) REDESIGNATION.—

10 (1) IN GENERAL.—Section 5 of the Poultry
11 Products Inspection Act (21 U.S.C. 454) is redesign-
12 nated as section 34 and moved to the end of that
13 Act.

14 (2) INTRASTATE PROGRAM.—Section 34 of the
15 Poultry Products Inspection Act (as redesignated by
16 paragraph (1)) is amended by striking the section
17 heading and inserting the following:

18 **“SEC. 34. FEDERAL AND STATE COOPERATION ON POULTRY**
19 **INSPECTION FOR INTRASTATE DISTRIBUTION.”.**
20

21 (3) CONFORMING AMENDMENTS.—

22 (A) Section 8(b) of the Poultry Products
23 Inspection Act (21 U.S.C. 457(b)) is amended
24 in the second sentence by striking “section 5 of
25 this Act” and inserting “section 34(a)(4)”.

1 (B) Section 11(e) of the Poultry Products
2 Inspection Act (21 U.S.C. 460(e)) is amended
3 by striking “section 5 of this Act” and inserting
4 “section 34(a)(4)”.

5 (4) EFFECTIVE DATE.—This subsection takes
6 effect on October 1, 2001.

7 (b) REPEAL.—

8 (1) IN GENERAL.—Section 34 of the Poultry
9 Products Inspection Act (as redesignated by sub-
10 section (a)(1)) is repealed.

11 (2) CONFORMING AMENDMENTS.—

12 (A) Section 8(b) of the Poultry Products
13 Inspection Act (21 U.S.C. 457(b)) (as amended
14 by subsection (a)(3)(A)) is amended in the sec-
15 ond sentence by striking “section 34(a)(4)” and
16 inserting “section 33”.

17 (B) Section 11(e) of the Poultry Products
18 Inspection Act (21 U.S.C. 460(e)) (as amended
19 by subsection (a)(3)(B)) is amended by striking
20 “section 34(a)(4)” and inserting “section 33”.

21 (3) EFFECTIVE DATE.—Except as provided in
22 section 302, this subsection takes effect on October
23 1, 2002.

1 **SEC. 202. STATE POULTRY INSPECTION PROGRAMS.**

2 (a) IN GENERAL.—The Poultry Products Inspection
3 Act (21 U.S.C. 451 et seq.) (as amended by section
4 201(a)(1)) is amended by inserting after section 4 the fol-
5 lowing:

6 **“SEC. 5. STATE POULTRY INSPECTION PROGRAMS.**

7 “(a) POLICY.—It is the policy of Congress to protect
8 the public from poultry products that are adulterated or
9 misbranded and to assist in efforts by State and other gov-
10 ernment agencies to accomplish that policy.

11 “(b) FINDINGS.—Congress finds that—

12 “(1) the goal of a safe and wholesome supply
13 of poultry products throughout the United States
14 would be better served if a consistent set of require-
15 ments, established by the Federal Government, were
16 applied to all poultry products, whether produced
17 under State inspection or Federal inspection;

18 “(2) under such a system, State and Federal
19 poultry inspection programs would function together
20 to create a seamless inspection system to ensure
21 food safety and inspire consumer confidence in the
22 food supply in interstate commerce; and

23 “(3) such a system would ensure the viability of
24 State poultry inspection programs, which should
25 help to foster the viability of small official establish-
26 ments.

1 “(c) APPROVAL OF STATE POULTRY INSPECTION
2 PROGRAMS.—

3 “(1) IN GENERAL.—Notwithstanding any other
4 provision of this Act, the Secretary may approve a
5 State poultry inspection program and allow the ship-
6 ment in commerce of poultry products inspected
7 under the State poultry inspection program in ac-
8 cordance with this section and section 5A.

9 “(2) ELIGIBILITY.—

10 “(A) IN GENERAL.—To receive or main-
11 tain approval from the Secretary for a State
12 poultry inspection program in accordance with
13 paragraph (1), a State shall—

14 “(i) implement a State poultry inspec-
15 tion program that enforces the mandatory
16 antemortem and postmortem inspection,
17 reinspection, sanitation, and related Fed-
18 eral requirements of sections 1 through 4
19 and 6 through 33 (including the regula-
20 tions issued under those sections); and

21 “(ii) enter into a cooperative agree-
22 ment with the Secretary in accordance
23 with paragraph (3).

24 “(B) ADDITIONAL REQUIREMENTS.—

1 “(i) IN GENERAL.—In addition to the
2 requirements specified in subparagraph
3 (A), a State poultry inspection program re-
4 viewed in accordance with section 2 of the
5 Federal Meat and Poultry State Inspection
6 Requirements Act of 1999 shall implement,
7 not later than October 1, 2002, all rec-
8 ommendations from the review, in a man-
9 ner approved by the Secretary.

10 “(ii) REVIEW OF NEW STATE POUL-
11 TRY INSPECTION PROGRAMS.—

12 “(I) DEFINITION OF NEW STATE
13 POULTRY INSPECTION PROGRAM.—In
14 this clause, the term ‘new State poul-
15 try inspection program’ means a State
16 poultry inspection program that is not
17 approved in accordance with para-
18 graph (1) between October 1, 2001,
19 and September 30, 2002.

20 “(II) REVIEW REQUIREMENT.—
21 Not later than 1 year after the date
22 on which the Secretary approves a
23 new State poultry inspection program,
24 the Secretary shall conduct a com-
25 prehensive review of the new State

1 poultry inspection program, which
2 shall include—

3 “(aa) a determination of the
4 effectiveness of the new State
5 poultry inspection program; and

6 “(bb) identification of
7 changes necessary to ensure en-
8 forcement under the new State
9 poultry inspection program of
10 Federal inspection requirements.

11 “(III) IMPLEMENTATION RE-
12 QUIREMENTS.—In addition to the re-
13 quirements specified in subparagraph
14 (A), to continue to be an approved
15 State poultry inspection program, a
16 new State poultry inspection program
17 shall implement all recommendations
18 from the review conducted in accord-
19 ance with this clause, in a manner ap-
20 proved by the Secretary.

21 “(3) COOPERATIVE AGREEMENT.—Notwith-
22 standing chapter 63 of title 31, United States Code,
23 the Secretary may enter into a cooperative agree-
24 ment with a State that establishes the terms govern-
25 ing the relationship between the Secretary and the

1 State poultry inspection program and provides for
2 the following:

3 “(A) PROVISIONS CONSISTENT WITH THIS
4 ACT.—The State will adopt (including adoption
5 by reference) provisions identical to sections 1
6 through 4 and 6 through 33 (including the reg-
7 ulations issued under those sections).

8 “(B) MARKING OF PRODUCT.—

9 “(i) OFFICIAL MARKS.—State-in-
10 spected and passed poultry products will be
11 marked under the supervision of a State
12 inspector with the official mark and be
13 deemed to have been inspected by the Sec-
14 retary for the purposes of this Act and to
15 have passed the inspection.

16 “(ii) ADDITIONAL MARKS.—In addi-
17 tion to the official mark, State-inspected
18 and passed poultry products may be
19 marked with the mark of State inspection,
20 in accordance with requirements issued by
21 the Secretary.

22 “(C) LABELING REQUIREMENTS.—The
23 State will comply with all labeling requirements
24 issued by the Secretary governing poultry prod-

1 ucts inspected under the State poultry inspec-
2 tion program.

3 “(D) AUTHORITY OF THE SECRETARY.—

4 The Secretary shall have authority—

5 “(i) to detain and seize poultry and
6 poultry products under the State poultry
7 inspection program;

8 “(ii) to obtain access to facilities,
9 records, and poultry products of any per-
10 son that slaughters, processes, handles,
11 stores, transports, or sells poultry products
12 inspected under the State poultry inspec-
13 tion program to determine compliance with
14 this Act (including the regulations issued
15 under this Act); and

16 “(iii) to direct the State to conduct
17 any activity authorized to be conducted by
18 the Secretary under this Act (including the
19 regulations issued under this Act).

20 “(E) OTHER TERMS.—The cooperative
21 agreement shall include such other terms as the
22 Secretary determines to be necessary to ensure
23 that the actions of the State and the State
24 poultry inspection program are consistent with

1 this Act (including the regulations issued under
2 this Act).

3 “(4) ADDITIONAL REQUIREMENTS.—

4 “(A) IN GENERAL.—A State may impose
5 additional requirements on official establish-
6 ments under the State poultry inspection pro-
7 gram, as approved by the Secretary.

8 “(B) RESTRICTION ON ESTABLISHMENT
9 SIZE.—The Secretary shall authorize a State to
10 establish the maximum size of official establish-
11 ments that the State will accept into the State
12 poultry inspection program.

13 “(5) REIMBURSEMENT OF STATE COSTS.—The
14 Secretary may reimburse the State for not more
15 than 60 percent of the State’s costs of meeting the
16 Federal requirements for the State poultry inspec-
17 tion program.

18 “(6) SAMPLING.—

19 “(A) SALMONELLA SAMPLING AND TEST-
20 ING.—To the extent that the Secretary requires
21 official establishments to meet microbiological
22 performance standards for Salmonella, the Sec-
23 retary shall sample and test for Salmonella in
24 official establishments subject to inspection
25 under the State poultry inspection program.

1 “(B) OTHER SAMPLING AND TESTING.—In
2 addition to the activities described in subpara-
3 graph (A), the Secretary may perform other
4 sampling and testing of poultry products in offi-
5 cial establishments described in that subpara-
6 graph.

7 “(7) NONCOMPLIANCE.—If the Secretary deter-
8 mines that a State poultry inspection program does
9 not comply with this section, section 5A, or the co-
10 operative agreement under paragraph (3), the Sec-
11 retary shall take such action as the Secretary deter-
12 mines to be necessary to ensure that the poultry
13 products in the State are inspected in a manner that
14 effectuates this Act (including the regulations issued
15 under this Act).

16 “(d) ANNUAL REVIEW.—

17 “(1) IN GENERAL.—The Secretary shall develop
18 and implement a process to review annually each
19 State poultry inspection program approved under
20 this section and to certify the State poultry inspec-
21 tion programs that comply with the cooperative
22 agreement entered into with the State under sub-
23 section (c)(3).

24 “(2) COMMENT FROM INTERESTED PARTIES.—

25 In designing the review process described in para-

1 graph (1), the Secretary shall solicit comment from
2 interested parties.

3 “(e) FEDERAL INSPECTION OPTION.—

4 “(1) IN GENERAL.—An official establishment
5 that operates in a State with an approved State
6 poultry inspection program may apply for inspection
7 under the State poultry inspection program or for
8 Federal inspection.

9 “(2) LIMITATION.—An official establishment
10 shall not make an application under paragraph (1)
11 more than once every 4 years.

12 **“SEC. 5A. AUTHORITY TO TAKE OVER STATE POULTRY IN-**
13 **SPECTION ACTIVITIES.**

14 “(a) AUTHORITY TO TAKE OVER STATE POULTRY
15 INSPECTION PROGRAMS.—

16 “(1) NOTIFICATION.—If the Secretary has rea-
17 son to believe that a State is not in compliance with
18 this Act (including the regulations issued under this
19 Act) or the cooperative agreement under section
20 5(c)(3) and is considering the revocation or tem-
21 porary suspension of the approval of the State poul-
22 try inspection program, the Secretary shall promptly
23 notify and consult with the Governor of the State.

24 “(2) SUSPENSION AND REVOCATION.—

1 “(A) IN GENERAL.—The Secretary may re-
2 voke or temporarily suspend the approval of a
3 State poultry inspection program and take over
4 a State poultry inspection program if the Sec-
5 retary determines that the State poultry inspec-
6 tion program is not in compliance with this Act
7 (including the regulations issued under this
8 Act) or the cooperative agreement.

9 “(B) PROCEDURES FOR REINSTATE-
10 MENT.—A State poultry inspection program
11 that has been the subject of a revocation may
12 be reinstated as an approved State poultry in-
13 spection program under this Act only in accord-
14 ance with the procedures under section
15 5(c)(2)(B)(ii).

16 “(3) PUBLICATION.—If the Secretary revokes
17 or temporarily suspends the approval of a State
18 poultry inspection program in accordance with para-
19 graph (2), the Secretary shall publish the determina-
20 tion under that paragraph in the Federal Register.

21 “(4) INSPECTION OF ESTABLISHMENTS.—Upon
22 the expiration of 30 days after the date of publica-
23 tion of a determination under paragraph (3), an offi-
24 cial establishment subject to a State poultry inspec-
25 tion program with respect to which the Secretary

1 makes a determination under paragraph (2) shall be
2 inspected by the Secretary.

3 “(b) EXPEDITED AUTHORITY TO TAKE OVER IN-
4 SPECTION OF STATE-INSPECTED OFFICIAL ESTABLISH-
5 MENTS.—Notwithstanding any other provision of this
6 title, if the Secretary determines that an official establish-
7 ment operating under a State poultry inspection program
8 is not operating in accordance with this Act (including the
9 regulations issued under this Act) or the cooperative
10 agreement under section 5(c)(3), and the State, after noti-
11 fication by the Secretary to the Governor, has not taken
12 appropriate action within a reasonable time as determined
13 by the Secretary, the Secretary may immediately deter-
14 mine that the official establishment is an establishment
15 that shall be inspected by the Secretary, until such time
16 as the Secretary determines that the State will meet the
17 requirements of this Act (including the regulations) and
18 the cooperative agreement with respect to the official es-
19 tablishment.”.

20 (b) RESTAURANTS AND RETAIL STORES, ACCEPT-
21 ANCE OF INTERSTATE SHIPMENTS OF POULTRY PROD-
22 UCTS, AND ADVISORY COMMITTEES FOR FEDERAL AND
23 STATE PROGRAMS.—The Poultry Products Inspection Act
24 (21 U.S.C. 451 et seq.) is amended by inserting after sec-
25 tion 30 the following:

1 **“SEC. 31. RESTAURANTS AND RETAIL STORES.**

2 “(a) LIMITATION ON APPLICABILITY OF INSPECTION
3 REQUIREMENTS.—The provisions of this Act requiring in-
4 spection of the slaughter of poultry and the processing of
5 poultry products shall not apply to operations of types tra-
6 ditionally and usually conducted at retail stores and res-
7 taurants, if the operations are conducted at a retail store,
8 restaurant, or similar retail establishment for sale of such
9 prepared articles in normal retail quantities or for service
10 of the articles to consumers at such an establishment.

11 “(b) CENTRAL KITCHEN FACILITIES.—

12 “(1) IN GENERAL.—For the purposes of this
13 section, operations conducted at a central kitchen fa-
14 cility of a restaurant shall be considered to be con-
15 ducted at a restaurant if the central kitchen of the
16 restaurant prepares poultry products that are ready
17 to eat when they leave the facility and are served in
18 meals or as entrees only to customers at restaurants
19 owned or operated by the same person that owns or
20 operates the facility.

21 “(2) EXCEPTION.—A facility described in para-
22 graph (1) shall be subject to section 11(b) and may
23 be subject to the inspection requirements of this Act
24 for as long as the Secretary determines to be nec-
25 essary, if the Secretary determines that the sanitary
26 conditions or practices of the facility or the process-

1 ing procedures or methods at the facility are such
2 that any of the poultry products of the facility are
3 rendered adulterated.

4 **“SEC. 32. ACCEPTANCE OF INTERSTATE SHIPMENTS OF**
5 **POULTRY PRODUCTS.**

6 “Notwithstanding any provision of State law, a State
7 or local government shall not prohibit or restrict the move-
8 ment or sale of poultry products that have been inspected
9 and passed in accordance with this Act for interstate com-
10 merce.

11 **“SEC. 33. ADVISORY COMMITTEES FOR FEDERAL AND**
12 **STATE PROGRAMS.**

13 “The Secretary may appoint advisory committees
14 consisting of such representatives of appropriate State
15 agencies as the Secretary and the State agencies may des-
16 ignate to consult with the Secretary concerning State and
17 Federal programs with respect to poultry product inspec-
18 tion and other matters within the scope of this Act.”.

19 (c) EFFECTIVE DATE.—This section takes effect on
20 October 1, 2001.

21 **TITLE III—GENERAL**
22 **PROVISIONS**

23 **SEC. 301. REGULATIONS.**

24 Not later than October 1, 2001, the Secretary of Ag-
25 riculture may promulgate such regulations as are nec-

1 essary to implement the amendments made by sections
2 102 and 202.

3 **SEC. 302. TERMINATION OF AUTHORITY TO ESTABLISH AN**
4 **INTERSTATE INSPECTION PROGRAMS.**

5 If the Secretary of Agriculture has not approved any
6 State meat inspection program or State poultry inspection
7 program by entering into a cooperative agreement under
8 title III of the Federal Meat Inspection Act and sections
9 5 and 5A of the Poultry Products Inspection Act (as
10 amended by this Act) by September 30, 2002, sections
11 101(b), 102, 201(b), and 202, and the amendments made
12 by those sections, are repealed effective as of that date.